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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,276	02/24/2000	Takaaki Nagao	PM266298	5207
441	7590	12/23/2005		
SMITH, GAMBRELL & RUSSELL, LLP 1850 M STREET, N.W., SUITE 800 WASHINGTON, DC 20036			EXAMINER HUYNH, LOUIS K	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/512,276

Applicant(s)

NAGAO ET AL.

Examiner

Louis K. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16 and 34 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6, 8 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/11/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The application has been re-opened and the final rejection, mailed 02/21/2003, is hereby withdrawn.

Status of the Claims

2. Claims 2-16 and 34 are currently pending. Claims 7 and 9-16 have been withdrawn from further consideration.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, line 2: "said plastic bag" lacks proper antecedent basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA (Applicant Admitted Prior Art) in view of Simon (US 4,880,119).

With respect to claim 3, AAPA teaches that individual glass base material is known to be wrapped with buffer material, such as air containing packing material, for packing, the wrapped

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glass base material is then packed into a box to prevent cracking and breaking (Spec. page 2, lines 24-28). AAPA teaches that the conventional packing method uses square box to pack the individual glass base material but is silent with respect to cylindrical container. However, packing an elongated cylindrical object in a cylindrical container is well known in the art of packaging and is disclosed in the reference to Simon so that the cushioning material (28) can be evenly filled the space between the cylindrical object (bottle 16) and the cylindrical container (10) (Abstract). Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the method of AAPA by having provided a cylindrical container, as taught by Simon, for packing cylindrical object such as glass base material so that the air containing buffer material can be evenly filled in the space between the glass base material and the cylindrical container.

With respect to claim 4, the specific number of layers of the buffer material wrapped around the glass base material does not patentably distinguish the claimed invention over the applied prior art because it depends on the thickness of the buffer material and the space between the glass base material and the provided cylindrical container; therefore, it would have been obvious to the skilled person in the art to provide three layers of the buffer material in order to fill the space between the glass base material and the cylindrical container.

With respect to claim 5, the specific size of the container does not patentably distinguish the claimed invention over the applied prior art because it would have been obvious to a skilled person in the art as a matter of engineering designed choice for as long as the inside diameter of the cylindrical container is large enough for accepting the wrapped glass base material and is small enough so as not to waste buffer material.

With respect to claim 6, the modified method of AAPA would include the step of capping both ends of the cylindrical container (10), as taught by Simon, with a permanent cap (11) and a removable cap (12).

With respect to claim 8, Simon further teaches that the cylindrical object (16) is covered with additional cap (24 or 26) that snugly fits between the end of the cylindrical object (16) and the cap (12 or 11) in order to secure the object against movement (col. 3, lines 21-33) and protect the cylindrical object (16) from breakage due to impact on one end of the cylindrical container (col. 4, lines 40-47).

With respect to claim 34, Simon further teaches that the cylindrical container (10) is metal; therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have formed the cylindrical container from metal for its rigidity characteristic in order to sustain the load of the glass base material.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA (Applicant Admitted Prior Art) in view of Simon (US 4,880,119) and further in view of Greminger (US 4,573,578).

AAPA teaches that individual glass base material is known to be wrapped with buffer material for packing, the wrapped glass base material is then packed into a box to prevent cracking and breaking (Spec. page 2, lines 24-28). AAPA teaches that the conventional packing method uses square box to pack the individual glass base material but is silent with respect to cylindrical container. However, packing an elongated cylindrical object in a cylindrical container is well known in the art of packaging and is disclosed in the reference to Simon so that

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the cushioning material (28) can be evenly filled the space between the cylindrical object (bottle 16) and the cylindrical container (10) (Abstract). Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the method of AAPA by having provided a cylindrical container, as taught by Simon, for packing cylindrical object such as glass base material so that the air containing buffer material can be evenly filled in the space between the glass base material and the cylindrical container.

The modified method of AAPA meets all of applicants claimed subject matter but lack the specific teaching of the step of placing the glass base material in a plastic bag prior to packing the glass base material in the cylindrical container. Greminger teaches a method of shipping cylindrical object including the step of placing the cylindrical object (12) in a plastic bag (26) to form a package (10) (Fig. 1, col. 3, lines 35-38), and placing the package (10) in another container for shipping (col. 3, lines 32-35). Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have further modified the method of AAPA by having placed the glass base material into a plastic bag prior to packing the glass base material into the cylindrical container, as taught by Greminger, for further protection of the glass base material.

Response to Arguments

8. Applicant's arguments in the brief, filed 08/12/2004, with respect to claims 2-6 and 34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

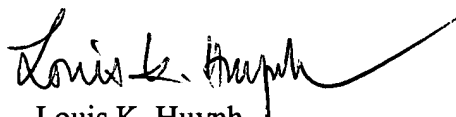
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure has been cited on form PTO-892 along with the applied references.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Louis K. Huynh
Primary Examiner
Art Unit 3721

December 22, 2005